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November 25, 2019

Hon. Joseph A. Dickson, U.S.M.J.
United States District Court - District of New Jersey
Martin Luther King Jr. Building & United States
Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: Occidental Chemical Corp. v. 21st Century Fox America, Inc., et al.
Docket No.: 2:18-cv-11273-MCA-JAD

Dear Magistrate Judge Dickson:

This firm is liaison counsel for the CSG Liaison Group¹ (the "CSG Group") in the above-referenced matter. On October 28, 2019, our office on behalf of the CSG Group joined The Small Parties Group (the "SPG") Motion to Strike or Dismiss Plaintiff Occidental Chemical Corporation's ("OCC") Counterclaims In Reply ("SPG's Motion") (Dkt. Nos. 873 and 876). On behalf of the CSG Group, please accept this letter in lieu of a more formal reply to Plaintiff Occidental Chemical Corporation's Brief in Opposition to the Small Parties Group's Motion to Strike or Dismiss Plaintiff's Counterclaims-In-Reply (Dkt No. 882) ("OCC's Opposition").

In OCC's Opposition, it argues "Defendants have not moved to dismiss OxyChem's crossclaims on the 2004, 2007, and 2012 Orders," and states its crossclaims are based on "identical theories of liability and the same evidence on the same three orders," and, therefore, the Court should "deny Defendants' motion to strike or dismiss OxyChem's counterclaims, as such an order would serve no purpose." *See* OCC Opposition at p. 6. OCC's Opposition fails to address the fact that the CSG Group in its letter joining the SPG's Motion not only sought dismissal of OCC's counterclaims, but also sought the dismissal of OCC's crossclaims. *See* Dkt. No. 876 at 2.

In an effort to avoid duplicative briefing, the CSG Group adopted the arguments set forth in the Small Parties Group Defendants' Brief in Support of its Motion to Strike or Dismiss Counterclaims-In-Reply (Dkt. No. 873). In addition, the CSG Group explicitly stated in its letter joining the SPG's Motion that "Alden Leeds joins the SPG's Motion in its entirety, and the remaining members of the CSG Group join the SPG's Motion

¹ The CSG Group includes the following Defendants: Alden Leeds, Inc.; Curtiss-Wright Corporation; Palin Enterprises, LLC; Spectraserv, Inc.; Westrock-Southern Container, LLC; and Zeneca, Inc.

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to the extent such motion and arguments are applicable to the *crossclaims asserted by OCC* in its Answer, Additional Defenses, and Consolidated Counterclaims and Crossclaims Against All Defendants (Dkt. No. 763-833).” *See* Dkt. No. 876 at pgs. 1-2 (emphasis added). Furthermore, the letter joining the SPG’s Motion expressly requested the Court “dismiss OCC’s Counterclaims and *Crossclaims against all defendants*. *Id* at p. 2 (emphasis added).

As stated in its joinder letter, the CSG Group requested the Court dismiss OCC’s crossclaims, which OCC admits are based on “identical theories of liability”, and relied upon the substantive arguments set forth in the SPG’s Motion. Given that in OCC’s Opposition it admits that its crossclaims are based on “identical theories of liability”, the arguments set forth in the SPG’s Motion as to why OCC’s counterclaims should be dismissed are similarly identical as to why OCC’s crossclaims should be dismissed. As such and to again avoid duplicative briefing, the CSG Group adopts the arguments set forth in the SPG’s Reply Brief in Support of Motion to Strike or Dismiss OCC’s Counterclaims in Reply (Dkt. No. 893) with respect to its request that the Court *dismiss OCC’s counterclaims and crossclaims*. (Emphasis added).

Accordingly, the CSG Group respectfully requests that Your Honor grant the Motion to Dismiss and Dismiss OCC’s Counterclaims and Crossclaims against all defendants.

Thank you for Your Honor’s time and attention to this matter.

Very truly yours,

/s/ Diana L. Buongiorno

Diana L. Buongiorno
Member